



**To: Columbia Board of Health (BOH) & Substance Abuse Advisory Commission (SAAC)**

**From Ronald J. Leone, MPCA Executive Director**

**Date: 10/2/14**

**Subject: Increasing The Age To Purchase Tobacco & E-Cigs Products From 18 To 21**

► **MPCA.** The Missouri Petroleum Marketers and Convenience Store Association (MPCA) is a 400+ member statewide trade association which represents the majority of the convenience stores, gas stations and truck stops in Columbia and across Missouri.

Many of these companies are small, second or third generation family owned businesses with strong, deep roots in Columbia and all across Missouri.

I apologize, but I am out-of-town and thus unable to attend the SAAC's 10/8/14 12:00 noon meeting and the BOH's 10/9/14 5:30 PM meeting.

Please accept this memo as MPCA's formal written testimony. All of my contact information is detailed below.

► **MFA Oil Company & Other MPCA Members Oppose Increasing The Age To 21.** MPCA and our 400+ members oppose any and all efforts by the Columbia City Council to increase the age from 18 to 21 to sell, purchase or possess tobacco products or electronic cigarette (hereafter "e-cig") products.

At the end of this memo is a letter from MFA Oil Company, a Columbia based company and owner of the Break Time convenience store chain, which is a representative example of the many letters that will be sent to members of the Columbia City Council by most of the gas station and convenience store owners in Columbia as well as most of their employees.

MFA Oil Company's letter effectively outlines the many reasons why MPCA and our members are opposed to any and all efforts by the Columbia City Council to increase the age from 18 to 21 to sell, purchase or possess tobacco or e-cig products.

► **Will Decrease City Sales Tax Revenue & Hurt Businesses & Consumers.** If Columbia increases the age from 18 to 21 to sell, purchase or possess tobacco or e-cig products, adult consumers in Columbia 18 to 20 years of age will simply buy their tobacco and e-cig products at retailers located outside the Columbia city limits.

This decrease in Columbia based sales will result in a decrease in sales tax revenue for Columbia's coffers. The decrease in sales tax revenue for Columbia will most likely be significant but it is difficult to pinpoint since retailers do not track the age of their adult consumers.

Lastly, increasing the age from 18 to 21 to sell, purchase or possess tobacco or e-cig products will massively inconvenience adult consumers age 18 to 20 who now have to travel outside of Columbia to purchase tobacco and e-cig products and it will negatively and drastically impact Columbia based businesses whose business model is based at least in part on 18 being the minimum age to purchase tobacco and e-cig products.

► **Statewide Issue Not A Local Issue & Senate Bill 841.** Just like the age to drive a car, play the lottery, gamble, buy alcohol or purchase a gun, the age at which you can lawfully purchase, sell and possess tobacco and e-cig products is an important statewide issue.

Businesses and adult consumers deserve a statewide policy that is consistent, uniform and predictable. By definition, this issue must be addressed in Jefferson City by the Missouri Legislature.

Please note that the Missouri Legislature on 9/10/14 addressed this very issue and overrode Governor Nixon's veto of Senate Bill (SB) 841 which did many things including restricting the sale, purchase and possession of e-cig products to adults 18 years of age and older.

The Columbia City Council should not attempt to modify SB 841, a state law and state policy that has been on the books for less than 4 weeks.

► **The Solution.** MPCA is asking both the SAAC and the BOH to recommend that the Columbia City Council not pass a local ordinance to increase the age from 18 to 21 to sell, purchase or possess tobacco or e-cig products and instead ask the City's lobbyists to pursue this important issue uniformly, consistently and predictably on a statewide basis in the Missouri Legislature.

Sincerely & Respectfully Submitted,

Ronald J. Leone, Esq.  
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► **MFA Oil Letter Sent On 9/29/14.**

"Dear Mayor McDavid and City Council Members,

We are sending you this communication on behalf of Break Time Convenience Stores and MFA Oil Company to ask that you oppose increasing the age to purchase tobacco and e-cig products from 18 to 21.

Break Time follows the same age restrictions set by the State of Missouri for tobacco products for the sale of e-cigs. The legal age to purchase tobacco and e-cig products is an important statewide issue that deserves a statewide discussion and debate and ultimately a statewide solution which by definition must be accomplished by the Missouri Legislature in Jefferson City.

Would it be an appropriate role of government and wise public policy if local governments had hundreds of different rules and laws addressing:

- ▶ The age to purchase alcohol?
- ▶ The age to play the lottery or gamble?
- ▶ Qualifications to practice medicine, law or counseling?
- ▶ The income and job criteria for accessing welfare benefits?
- ▶ Abortion rights and restrictions?
- ▶ Marriage qualifications and equality?
- ▶ The age to buy a gun and carry a concealed weapon?
- ▶ The age to drive a car?

If Columbia increases the age from 18 to 21 to purchase tobacco and e-cig products, adult consumers in Columbia 18 to 20 years of age will simply buy their tobacco and e-cig products at retailers located outside the Columbia city limits.

This will negatively impact jobs, adult consumers, businesses and the City's sales tax revenue generated by these businesses and adult consumers.

Discriminating against and forcing Columbia based adult consumers and businesses to play by rules that are different from the rest of Missouri based solely upon their location within the City limits violates the first and most fundamental law of government - do no harm.

Adult consumers and businesses, many of whom travel and are located across multiple cities and counties, deserve uniformity, consistency and predictability across Missouri on most issues including the age at which they can lawfully sell and purchase tobacco and e-cig products. We as a business owner and operator, are also faced with training programs that will vary, technology challenges and execution challenges with team members working inside and outside of Columbia.

The Columbia City Council should vote down or table this issue and direct their lobbyists to ask the Missouri Legislature in Jefferson City to increase the age from 18 to 21 to purchase tobacco and e-cig products.

Sincerely,

Jackie R. Maxwell, Vice President  
Break Time General Manager  
MFA Oil Company  
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Columbia, Missouri 65201"